

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

HSBC BANK USA,  
NATIONAL ASSOCIATION,

Plaintiff and Counter Defendant,

v.

CIVIL ACTION NO. 3:12-cv-00668

RON RESH and  
VALARIE REYNOLDS-RESH,

Defendants; Counter Claimants; Counter Defendants;  
and Third Party Plaintiffs,

v.

REALTY CONCEPTS, LTD;  
HELEN SULLIVAN; and  
LAWYER'S TITLE INSURANCE CORPORATION,

Third Party Defendants; Counter Claimants; Cross Claimants; and  
Cross Defendants,

*and*

ANDREW BROSNAC,

Third Party Defendant and Cross Defendant.

**ORDER**

The Court takes notice that Third Party Defendant Andrew Brosnac is currently incarcerated and has not filed a Response to Third Party Plaintiffs', Ronald Resh and Valarie Reynolds-Resh, Motion for Summary Judgment against him. ECF No. 530. Due to Mr. Brosnac's incarceration, he is considered an incapacitated person under Rule 17(c) of the Federal Rules of Civil Procedure. The Court **DIRECTS** Third Party Plaintiffs to file a memorandum within **14 days**

regarding the effect Mr. Brosnac's status will have on this litigation and if the case can proceed while Mr. Brosnac is incarcerated.

The Court **DIRECTS** the Clerk to send a copy of this written Opinion and Order to counsel of record and any unrepresented parties.

ENTER: December 16, 2015

  
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ROBERT C. CHAMBERS, CHIEF JUDGE